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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,043	01/19/2005	Christophe Delesalle	256213US2PCT	2502
22850	7590	10/18/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER TRAN, TUNG Q	
			ART UNIT	PAPER NUMBER
			2616	
			NOTIFICATION DATE	DELIVERY MODE
			10/18/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.		Applicant(s)	
	10/502,043		DELESALLE ET AL.	
	Examiner		Art Unit	
	Tung Q. Tran		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☒ Claim(s) 10-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings Objections

1. The drawings are objected to because they lack descriptive legends. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When

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claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 13-21 have been renumbered 10-18 respectively and will be treated as this merit for the rest of the Office Action.

3. Claim 18 is objected to because of the following informalities:

Regarding claim 18, the phrase "BAS" should be spelled out.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10, the phrase "unconnected network" recited in line 4 of the claim is not clear because it renders the claim indefinite.

Regarding claim 14, the phrase "unconnected network" recited in line 4 of the claim is not clear because it renders the claim indefinite.

Any claim not specifically addressed, above, is being rejected as incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Allan et al. (US 6,788,696).

Allan discloses transparent QoS using VC-merge capable access modules comprising the following features.

Regarding claim 10, a method for transferring to a same client terminal (Fig. 2, CPEs 22a-c) at least a first flow with a first service quality and at least a second flow transmitted with a second service quality to the client terminal (see “unicast or multicast content” recited in col. 6, lines 33-38; “provisioning or signaling VCs” recited in col. 6, lines 51-56; “signaling” recited in col. 7, lines 1-21; and see “QoS capability” recited in col. 5, lines 20-25) by a content server (Fig. 2, Content Providers 16) after network resource booking with service quality by exchanging messages (see requesting contents recited in col. 6, lines 33-50) via an unconnected network (Fig. 2, Service Gateway 14 and Internet 24), the method comprising: establishing a high throughput link between the client terminal and the content server (Fig. 2, see connections between CPEs 22a-c and Content Providers 16; and see using DSL recited in col. 5, lines 14-

25); multiplexing the first and the second flows into a same flow (Fig. 2, Access Module 12 and VC Merge 26; see “DSLAM” recited in col. 7, lines 5-19; and see merging connections recited in col. 7, lines 25-40); and transmitting the multiplexed same flow to the client terminal through the high throughput link (Fig. 2, see CPEs 22a-c received requested content from Content Providers 16 through Access Module 12 and VC Merge 26 such as flow 11a).

Regarding claim 14, a system for transferring to a same client terminal (Fig. 2, CPEs 22a-c) at least a first flow with a first service quality and at least a second flow transmitted with a second service quality, to the client terminal (see “unicast or multicast content” recited in col. 6, lines 33-38; “provisioning or signaling VCs” recited in col. 6, lines 51-56; “signaling” recited in col. 7, lines 1-21; and see “QoS capability” recited in col. 5, lines 20-25) by a content server (Fig. 2, Content Providers 16) after network resource booking with service quality by exchanging messages (see requesting contents recited in col. 6, lines 33-50) via an unconnected network (Fig. 2, Service Gateway 14 and Internet 24), the system comprising: means for establishing a high throughput link between the client terminal and the content server (Fig. 2, see connections between CPEs 22a-c and Content Providers 16; and see using DSL recited in col. 5, lines 14-25); means for multiplexing the first and second flows into a same flow (Fig. 2, Access Module 12 and VC Merge 26; see “DSLAM” recited in col. 7, lines 5-19; and see merging connections recited in col. 7, lines 25-40); means for transmitting the multiplexed same flow to the client terminal through the high throughput link (Fig. 2, see

CPEs 22a-c received requested content from Content Providers 16 through Access Module 12 and VC Merge 26 such as flow 11a).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allan et al. (US 6,788,696) in view of Baum et al. (US 7,170,905).

Allan discloses the claimed limitations in paragraph 7 above. In addition, Allan discloses the following features.

Regarding claim 12 and 16, wherein the second flow represents audiovisual data (see "streaming video, Web TV" recited in col. 6, lines 33-36) and the first flow represents signals for controlling the second flow (see "provisioning or signaling VCs" recited in col. 6, lines 51-56; "signaling" recited in col. 7, lines 1-21).

Regarding claim 13, further comprising: connecting the client terminal to a service platform via Internet network for requesting the audiovisual data (Fig. 2, Service Gateway 14 and Internet 24; and see requesting contents recited in col. 6, lines 33-50); identifying the content server (see "performing packet snooping" for content source recited in col. 6, lines 45-47); booking, through a control platform (Fig. 2, Service Gateway 14 and Internet 24), network resources with a predetermined service quality

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between the content server and the client terminal (see requesting contents recited in col. 6, lines 33-50; and see "QoS capability" recited in col. 5, lines 20-25); activating a point-to-point session between the content server and the client terminal with the service quality established previously (Fig. 2, see connections between CPEs 22a-c and Content Providers 16; and see using DSL recited in col. 5, lines 14-25; and see "QoS capability" recited in col. 5, lines 20-25); and broadcasting contents with associated signaling signals to the client terminal through an ATM network (Fig. 2, ATM network 18; and see "unicast or multicast" recited in col. 5, lines 14-25).

Regarding claim 17, wherein the means for establishing an DSL link between the client terminal and the content server (Fig. 2, see connections between CPEs 22a-c and Content Providers 16; and see using DSL recited in col. 5, lines 14-25) includes a digital multiplexer of DSLAM type (Fig. 2, Access Module 12 and VC Merge 26; see "DSLAM" recited in col. 7, lines 5-19) and at least a first ATM switch (Fig. 2, ATM switches 19a-b) for connecting the client terminal to the content server (Fig. 2).

Regarding claim 18, further comprising a first high throughput BAS server (Fig. 2, Service Gateway 14 and Internet 24) configured to provide a high throughput link via Internet network between the ATM network and a control network (Fig. 2, ATM network 18, Service Gateway 14 and Internet 24), and a second high throughput BAS server (Fig. 2, Content Providers 16 and Cache Server 28) configured to provide a high throughput link between the client terminal and a server of audiovisual data (Fig. 2, CPEs 22a-c , Content Providers 16).

Allan does not disclose the following features: regarding claim 11, 15, and 17, wherein the high throughput link is of xDSL type.

Baum discloses techniques for implementing data communication services comprising the following features.

Regarding claims 11, 15, and 17, wherein the high throughput link is of xDSL type (see "xDSL technologies" recited in col. 1, lines 53-56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Allan by using the features, as taught by Baum, in order to utilize twisted pair wiring from an office or other terminal node of a telephone network to the subscriber premises (Baum: col. 1, lines 57-61).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Q. Tran whose telephone number is (571) 272-9737. The examiner can normally be reached on Mon-Fri: 7:30 am - 5 pm, off alternative Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TQT

KWANG BIN YAO
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'KB Yao', is written over the printed name and title of the examiner.